

**Paul M. Ostroff**, Bar No. 67054  
ostroffp@lanepowell.com  
**Rishi Puri**, Bar No. 252718  
purir@lanepowell.com  
**Kristen L. Price**, Bar No. 299698  
pricek@lanepowell.com  
**LANE POWELL PC**  
601 SW Second Avenue, Suite 2100  
Portland, Oregon 97204-3158  
Telephone: 503.778.2100  
Facsimile: 503.778.2200

Attorneys for Defendant KinderCare Education LLC

**Lori J. Costanzo**, Bar No. 142633  
lori@costanzo-law.com  
**COSTANZO LAW FIRM, APC**  
111 West St. John Street, #700  
San Jose, California 95113  
Telephone: 408.993.8493  
Facsimile: 408.993.8496

Attorney for Plaintiff Isabel Perez

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

ISABEL PEREZ, an individual,

Plaintiff,

v.

KINDER CARE EDUCATION LLC, and  
DOES 1-25, inclusive,

Defendants.

Civil No. 4:20-cv-04562-HSG

**STIPULATED PROTECTIVE  
ORDER**

LANE POWELL PC  
601 SW SECOND AVENUE, SUITE 2100  
PORTLAND, OREGON 97204-3158  
503.778.2100 FAX 503.778.2200

1 IT IS HEREBY STIPULATED, by and between Plaintiff Isabel Perez  
2 (“Plaintiff”) and Defendant KinderCare Education LLC (“Defendant”), through their  
3 respective attorneys, that a Protective Order shall be issued as follows:

4 The following restrictions and procedures shall apply to certain information,  
5 documents, and excerpts from documents supplied by the parties to each other in  
6 response to discovery requests:

7 1. Counsel for any party may designate any document, information  
8 contained in a document, information revealed in an interrogatory response, or  
9 information revealed during a deposition as confidential if counsel determines, in  
10 good faith, that such designation is necessary to protect the interests of the client.  
11 Information and documents designated by a party as confidential will be stamped  
12 “CONFIDENTIAL.” “Confidential” information or documents may be referred to  
13 collectively as “Confidential Information.”

14 2. Unless ordered by the Court, or otherwise provided for herein, the  
15 Confidential Information disclosed will be held and used by the person receiving  
16 such information solely for use in connection with the above-captioned action.

17 3. In the event a party challenges another party’s confidential designation,  
18 counsel shall make a good faith effort to resolve the dispute, and in the absence of a  
19 resolution, the challenging party may thereafter seek resolution by the Court.  
20 Nothing in this Protective Order constitutes an admission by any party that  
21 Confidential Information disclosed in this case is relevant or admissible. Each party  
22 specifically reserves the right to object to the use or admissibility of all Confidential  
23 Information disclosed, in accordance with applicable law and Court rules.

24 4. Information or documents designated as “confidential” shall not be  
25 disclosed to any person, except:

- 26 a. The requesting party and counsel, including in-house counsel;  
27 b. Employees of such counsel assigned to and necessary to assist in  
28 the litigation;

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- c. Consultants or experts assisting in the prosecution or defense of the matter, to the extent deemed necessary by counsel;
- d. Any person from whom testimony is taken or is to be taken in these actions, except that such a person may only be shown that Confidential Information during and in preparation for his/her testimony and may not retain the Confidential Information;
- e. The Court (including any clerk, stenographer, or other person having access to any Confidential Information by virtue of his or her position with the Court) or the jury at trial or as exhibits to motions.

5. Prior to disclosing or displaying the Confidential Information to any person, counsel shall:

- a. Inform the person of the confidential nature of the information or documents; and
- b. Inform the person that this Court has enjoined the use of the information or documents by him/her for any purpose other than this litigation and has enjoined the disclosure of that information or documents to any other person.

6. The Confidential Information may be displayed to and discussed with the persons identified in paragraphs 4(c) and (d) only on the condition that prior to any such display or discussion, each such person shall be asked to sign an agreement to be bound by this Order in the form attached hereto as **Exhibit A**. In the event such person refuses to sign an agreement in the form attached as **Exhibit A**, the party desiring to disclose the Confidential Information may seek appropriate relief from the Court.

7. The disclosure of a document or information without designating it as “confidential” shall not constitute a waiver of the right to designate such document or information as Confidential Information provided that the material is designated

1 pursuant to the procedures set forth herein no later than that latter of fourteen (14)  
2 days after the close of discovery or fourteen (14) days after the document or  
3 information's production. If so designated, the document or information shall  
4 thenceforth be treated as Confidential Information subject to all the terms of this  
5 Stipulation and Order.

6 8. All information subject to confidential treatment in accordance with the  
7 terms of this Stipulation and Order that is filed with the Court, and any pleadings,  
8 motions, or other papers filed with the Court disclosing any Confidential Information,  
9 shall be filed under seal to the extent permitted by law (including, without limitation,  
10 any applicable rules of court) and kept under seal until further order of the Court. To  
11 the extent the Court requires any further act by the parties as a precondition to the  
12 filing of documents under seal (beyond the submission of this Stipulation and Order  
13 Regarding Confidential Information), it shall be the obligation of the producing party  
14 of the documents to be filed with the Court to satisfy any such precondition. Where  
15 possible, only confidential portions of filings with the Court shall be filed under seal.

16 9. At the conclusion of litigation, the Confidential Information and any  
17 copies thereof shall be promptly (and in no event later than thirty (30) days after entry  
18 of final judgment no longer subject to further appeal) returned to the producing party  
19 or certified as destroyed, except that the parties' counsel shall be permitted to retain  
20 their working files on the condition that those files will remain confidential.

21 The foregoing is entirely without prejudice to the right of any party to apply to  
22 the Court for any further Protective Order relating to confidential information; or to  
23 object to the production of documents or information; or to apply to the Court for an  
24 order compelling production of documents or information; or for modification of this  
25 Order. This Order may be enforced by either party and any violation may result in  
26 the imposition of sanctions by the Court.

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1 IT IS SO STIPULATED.

2  
3  
4 DATED: October 27, 2020

LANE POWELL PC

5  
6 By /s/ Kristen L. Price

7 Paul M. Ostroff, Bar No. 67054  
8 Kristen L. Price, Bar No. 299698  
9 Rishi Puri, Bar No. 252718

10 Attorneys for Defendant  
KINDERCARE EDUCATION LLC

11 DATED: October 27, 2020

COSTANZO LAW FIRM APC

12  
13 By /s/ Lori J. Costanzo

14 Lori J. Costanzo, Bar No. 142633

15 Attorney for Plaintiff  
16 ISABEL PEREZ

17  
18 **FILER'S ATTESTATION**

19 Pursuant to L.R. 5-1(i)(3), I, Kristen L. Price, attest that all other signatories  
20 listed, and on whose behalf the filing is submitted, concur in the filing's content and  
21 have authorized the filing.

22  
23 DATED: October 27, 2020

LANE POWELL PC

24  
25 By /s/ Kristen L. Price

26 Kristen L. Price, Bar No. 299698

27 Attorneys for Defendant  
28 KINDERCARE EDUCATION LLC

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**EXHIBIT A**

I have been informed by counsel that certain documents or information to be disclosed to me in connection with the matter entitled *Isabel Perez v. KinderCare Education, LLC, et.al.*, USDC Case No.: 4:20-cv-04562-HSG have been designated as confidential. I have been informed that any such documents or information labeled “CONFIDENTIAL” are confidential by Order of the Court.

I hereby agree that I will not disclose any information contained in such documents to any other person. I further agree not to use any such information for any purpose other than this litigation.

\_\_\_\_\_  
DATED:

Signed in the presence of:

\_\_\_\_\_  
(Attorney)

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~~**PROPOSED**~~ ORDER

IT IS HEREBY ORDERED that the above STIPULATED PROTECTIVE ORDER between the parties is approved as the Protective Order for this case and all parties shall comply with its provisions.

ITS IS SO ORDERED.

Dated: 10/28/2020

  
HON. HAYWOOD S. GILLIAM, JR.  
United States District Judge

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